

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAVID ARTEAGA,

Plaintiff(s),

v.

CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL SECURITY
ADMINISTRATION,

Defendant(s).

Case No. 2:14-CV-1729 JCM (CWH)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Hoffman. (Doc. # 23). No objections have been filed, and the deadline for filing objections has now passed.

This is a social security appeal. At a telephonic hearing on May 12, 2015, Judge Hoffman granted plaintiff's counsel's motion to withdraw as attorney. Judge Hoffman directed plaintiff to notify the court in writing no later than May 29, 2015, whether he intended to proceed *pro se* in this action. (Doc. # 19). Plaintiff has failed to file anything with the court.

On June 3, 2015, Judge Hoffman ordered plaintiff to show cause why he should not be sanctioned, up to and including a recommendation that this case be dismissed, for failure to comply with the court's order. (Doc. # 21). Plaintiff again did not respond and failed to appear at the show cause hearing. (Doc. # 22). Accordingly, Judge Hoffman now recommends that the court dismiss the instant action. (Doc. # 26).

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo

determination of those portions of the [report and recommendation] to which objection is made.”
 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then this court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to which no objection was filed).

Nevertheless, this court finds it appropriate to engage in a de novo review to determine whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge’s findings in full.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and recommendation of Magistrate Judge Hoffman, (doc. # 23), be, and the same hereby are, ADOPTED in their entirety.

IT IS FURTHER ORDERED that the instant case be, and the same hereby is, DISMISSED without prejudice.

DATED July 22, 2015.


 UNITED STATES DISTRICT JUDGE